AT-138, EJ-125

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, state bar number, and address)*:
Rodger B. Haglund, II (216427)
HAGLUND LAW GROUP
402 West Broadway, Fourth Floor
San Diego, CA 92101
TELEPHONE NO.: 619-269-8300 FAX NO.: 619-795-8881
ATTORNEY FOR *(Name)*: Charles Worcester

NAME OF COURT: US District Court-Southern District of California
STREET ADDRESS: 940 Front Street
MAILING ADDRESS: 940 Front Street
CITY AND ZIP CODE: San Diego, CA 92101
BRANCH NAME: Edward J Schwartz Courthouse

PLAINTIFF: Charles Worcester

DEFENDANT: Jay Cleveland, et. al

FOR COURT USE ONLY

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION

[✓] ENFORCEMENT OF JUDGMENT [ ] ATTACHMENT (Third Person)
[✓] Judgment Debtor [ ] Third Person

CASE NUMBER:
'08 MC 0399

ORDER TO APPEAR FOR EXAMINATION

1. TO *(name)*: Jay Cleveland
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
   a. [✓] furnish information to aid in enforcement of a money judgment against you.
   b. [ ] answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
   c. [ ] answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: Sptember 3, 2008 Time: 100:00 a.m. Dept. or Div.: Rm.: Courtroom D
Address of court [✓] shown above [ ] is:

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person *(name)*:

Date: 9/3/08

JUDGE OR REFEREE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. [✓] Judgment creditor [ ] Assignee of record [ ] Plaintiff who has a right to attach order applies for an order requiring *(name)*: Jay Cleveland to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
   a. [✓] the judgment debtor.
   b. [ ] a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than $250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. [✓] This court is **not** the court in which the money judgment is entered or *(attachment only)* the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. [ ] The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 23, 2008

Rodger B. Haglund II
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(Continued on reverse)

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APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

APPEARANCE OF A THIRD PERSON (ENFORCEMENT OF JUDGMENT)

(1) **NOTICE TO PERSON SERVED** If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) **NOTICE TO JUDGMENT DEBTOR** The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows *(Describe the property or debt using typewritten capital letters)*:

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

APPEARANCE OF A CORPORATION, PARTNERSHIP, ASSOCIATION, TRUST, OR OTHER ORGANIZATION

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

MC-031

PLAINTIFF/PETITIONER: Charles Worcester DEFENDANT/RESPONDENT: Jay Cleveland, et. al.	CASE NUMBER: '08 MC 0399

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

This declaration is attached to form EJ-125

I, Rodger B. Haglund II hereby declare as follows:

1. I am the attorney of record for Charles Worcester, the judgment creditor.

2. Based on information gathered in diligent inquiries, I believe Jay Cleveland, the judgment debtor, resides at 908 Paradise Knoll Ct. in National City, California.

3. The above address is within San Diego County and less than 150 miles from this court.

4. The judgment debtor has not been examined within the past 120 days.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: July 23, 2008

Rodger B. Haglund II
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

☑ Attorney for ☐ Plaintiff ☐ Petitioner ☐ Defendant
☐ Respondent ☑ Other *(Specify)*: Judgment Creditor

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